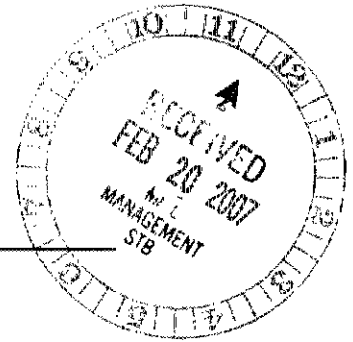


**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB DOCKET NO. AB-290 (Sub- No. 283X)

ENTERED
Office of Proceedings

FEB 20 2007

Part of
Public Record

**NORFOLK SOUTHERN RAILWAY COMPANY
ABANDONMENT EXEMPTION
IN HARRIMAN, ORANGE COUNTY, NEW YORK**

218652

NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE

1. James Riffin ("Riffin"), a Class III carrier, pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his formal Notice of Intent to File an Offer of Financial Assistance, to purchase from the Norfolk Southern Railway Company ("NS") that portion of a line of railroad between Mileposts ("MP") ZU 45.00 and ZU 46.64, at Harriman, NY in Orange County, NY ("Line"), which line of railroad is the subject of the above entitled proceeding.

2. Riffin is a financially responsible person. Riffin has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

3. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), Riffin requests NS provide Riffin and the Board with the information specified in 49 CFR 1152.27 (a), and the following additional information:

A. An estimate of the annual subsidy required to keep the Line in operation, and the minimum purchase price;

B. NS's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment;

C. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements NS, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements NS has, or contemplates having, involving the State of New York, or any other New York State or Local agency or entity, hereinafter "State of New York."

b. A copy of all papers, documents or agreements NS has received, has in its possession, or has knowledge of, which pertain in any way to any agreements any present, former or potential shipper, have made which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s) any shipper on the Line has made with the State of New York.

D. Any other information which relates to NS's present or prior use of the Line, including but not limited to:

a. The number of times the Line was used in 2001, 2002, 2003, 2004, 2005 and 2006, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

b. The number of times the Line was unavailable for NS's use in 2001, 2002, 2003, 2004, 2005 and 2006, and the reason(s) why the Line was unavailable;

c. The date the Line was taken out-of-service, if the Line was taken out of service;

d. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

e. Which switches on the Line NS train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

f. A summary of all disagreements, misunderstandings, or points of contention between NS and the State of New York or any other party or entity, concerning NS's use of the Line during 2002, 2003, 2004, 2005, and 2006;

g. An indication of where Riffin would interchange rail traffic with NS;

h. A copy of a proposed interchange agreement;

Respectfully submitted,


James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2007, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241.


James Riffin